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PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
Sunderasan et al.

Application No: 09/608,501

Filed: June 30, 2000

Title: Application Program Interface For
Automating High Speed Network Access
Ordering And Provisioning Processes

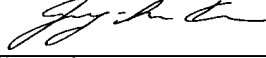
Atty. Dkt. No. COVDP008

Examiner: Duong, Thomas

Art Unit: 2145

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail stop Appeal Brief - Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313 on June 7, 2005.

Signed: 

Jung-hua Kuo

BRIEF ON APPEAL

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal from the final rejection of claims 1-36 in the above-referenced patent application. In accordance with 37 C.F.R. §1.192, this Brief, along with the Appendix, is filed in triplicate and is accompanied by the required fee.

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01 FC:1402 500.00 OP

06/13/2005 TBESHAH1 00000102 09608501

02 FC:1252 450.00 OP

I. Real Party In Interest

The real party in interest is Covad Communications Group, Inc. The subject patent application was assigned from appellants to Covad Communications Group, Inc. on July 19 and 25, 2000. The assignment is recorded in the U.S. Patent and Trademark Office at Reel 010867, Frame 0889.

II. Related Appeals and Interferences

There are currently no known appeals or interferences which may directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims 1, 14, 24 were amended and claims 34-36 were added in the response filed on May 3, 2004. Claims 2-13, 15-23, and 25-33 are as originally filed and have not been amended.

IV. Status of Amendments

No amendments to the claims were filed subsequent to the final rejection. Thus, the appeal is being taken on the basis of claims 1-36 as finally rejected, as presented in Appendix A submitted herewith.

V. Summary of Inventions

The inventions are generally directed to a computer-implemented method (independent claim 1 and claims depending therefrom), a computer-implemented system (independent claim 14 and claims depending therefrom), and a computer program product (independent claim 24 and claims depending therefrom) for automating communications between service providers in connection with providing a high speed network access service. As an example, when an end user subscriber orders DSL (Digital Subscriber Line) services from an ISP (Internet Service Provider), the ISP may order the DSL service from a CLEC (competitive local exchange carrier) which in turn may lease the telephone line needed for the DSL service from an ILEC (incumbent local exchange carrier). The two service providers, e.g., the CLEC and the ILEC, may utilize the automated

communications method, system and computer program product as generally recited in the claims to communicate therebetween, e.g., to lease the telephone line from the ILEC.

The automated communication as generally claimed is between two service providers in connection with providing a high speed network access service where the first and second service providers cooperate to provide high speed network access service to an end subscriber. The service providers communicate with each other using a predefined request document tag definition and a predefined response document tag definition as generally recited in the claims. Without the predefined request and response document tag definitions, the two service providers cannot have such automated communication therebetween without manual intervention.

VI. Issues

In the final rejection, the Examiner rejected claims 1, 9, 14, 20, 24, and 30 under 35 U.S.C. §103(a) as being unpatentable over Yokell (US Pat. No. 6,507,870) in view of Bayeh (US Pat. No. 6,012,098). In addition, the Examiner also rejected various dependent claims under 35 U.S.C. §103(a) as being unpatentable over Yokell in view of Bayeh and further in view of various references. In particular, the Examiner rejected dependent claims 2-6, 15-19 and 25-29 as being unpatentable over Yokell in view of Bayeh and further in view of Barry (USPN 6,615,258) as well as dependent claims 7, 8, 10-13, 21-23, and 31-33 as being unpatentable over Yokell in view of Bayeh and further in view of Chen et al. (USPN 6,507,856). Because these claims dependent various from independent claims 1, 14 and 24 which stand rejected as being unpatentable over Yokell in view of Bayeh, dependent claims 2-8, 10-13, 15-19, 21-23, 25-29, and 31-33 would also be allowable if independent claims 1, 14 and 24 are allowable over Yokell in view of Bayeh.

Accordingly, the issue on appeal is whether claims 1-36 are unpatentable over Yokell in view of Bayeh.

VII. Grouping of Claims

Claims 1-36 stand or fall together.

VIII. Argument

A. Introduction

The inventions are generally directed to a computer-implemented method (independent claim 1 and claims depending therefrom), a computer-implemented system (independent claim 14 and claims depending therefrom), and a computer program product (independent claim 24 and claims depending therefrom) for automating communications between service providers in connection with providing a high speed network access service. As an example, when an end user subscriber orders DSL (Digital Subscriber Line) services from an ISP (Internet Service Provider), the ISP may order the DSL service from a CLEC (competitive local exchange carrier) which in turn may lease the telephone line needed for the DSL service from an ILEC (incumbent local exchange carrier). The two service providers, e.g., the CLEC and the ILEC, may utilize the automated communications method, system and computer program product as generally recited in the claims to communicate therebetween, e.g., to lease the telephone line from the ILEC.

The automated communication as generally claimed is between two service providers in connection with providing a high speed network access service where the first and second service providers cooperate to provide high speed network access service to an end subscriber. The service providers communicate with each other using a predefined request document tag definition as well as a predefined response document tag definition. The predefined request and response document tag definitions enable the automated communication, i.e., without manual intervention, between the two service providers.

B. Claims 1-36 are Patentable Over Yokell in view of Bayeh

Claims 1, 9, 14, 20, 24, and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yokell in view of Bayeh.

Each of independent claims 1, 14 and 24 generally recites that the automated communication is *between two service providers* in connection with providing a high speed network access service and that the first and second service providers *cooperate* to provide high speed network access service to an end subscriber. Specifically, the service providers communicate with each other using the *predefined request and response*

document tag definitions, which enables the automated communication, e.g., without manual intervention.

Yokell generally discloses a system where a customer can order DSL from a DSL service provider using a web-based ordering tool. However, Yokell merely describes a web interface for an end subscriber to order DSL service *from a single service provider*. For example, only one service provider is involved in providing the web interface through which the end subscriber may enter information to qualify for and subscribe to DSL service and *the same service provider* is involved in receiving and processing such information from the end subscriber. Yokell's system and process does not involve *cooperation between two service providers*. Thus, not only is there no motivation to add the predefined request and response document tag definitions to the system of Yokell as only one service provider is involved in Yokell's process, but the combination of Yokell and Bayeh does not contain all the elements of the claimed inventions.

The Examiner further contends that Yokell anticipates the interactions between two service entities, i.e., the DSL service provider and the ISP. The Examiner contends that Yokell allows the customer to select the desired ISP from a list of available ISPs (col. 23, lines 49-53; module 90, FIG. 5). The Examiner then concludes that Yokell anticipates that there is automated communication between the DSL service provider and ISP to collectively provide the services desired by the customer.

However, as explicitly shown in FIG. 4 (from which FIG. 5 continues in the same DSL ordering session), selection of an ISP other than US West requires manual intervention. Specifically, FIG. 4 states that "If you [the end subscriber] select an ISP **other than US West**, you will need to contact that ISP to sign up for the specific package that is compatible with MegaBit Service." (FIG. 4, second to last paragraph, emphasis added). Clearly, if, and only if, the end subscriber selects US West (the DSL service provider) as its ISP would the DSL ordering process be automated. In other words, if a single service provider is involved, then the ordering process may be automated.

If, on the other hand, the end subscriber selects an ISP other than US West (i.e., if the end subscriber selects *a second service provider*), the end subscriber must contact the ISP directly and the web-interface *merely stores* that information for the end subscriber via the web interface. As is evident, in a scenario where two service providers are

involved, the web interface simply does not handle any communication between the two service providers.

As Yokell only discloses a web-based mechanism for taking information from potential end subscribers by a single service provider, such a mechanism is a far cry from an *automated* communication between two service providers. Thus Yokell clearly does not disclose *automated* communication between two service providers.

As Yokell's system and process does not involve *any cooperation between two service providers*, not only is there no motivation to add the predefined request and response document tag definitions to the system of Yokell as only one service provider is involved in Yokell's process, but the combination of Yokell and Bayeh does not contain each and every element of the claimed inventions.

All of dependent claims 2-13, 15-23 and 25-36 are allowable at least because the independent claims 1, 14 and 24 from which they variously depend are allowable as discussed above.

Reversal of the rejection of claims 1-36 is therefore requested.

C. Conclusion

In view of the foregoing, reversal of the rejection of claims 1-36 is requested.

In the unlikely event that the transmittal letter accompanying this document is separated from this document and the Patent Office determines that an Extension of Time under 37 CFR 1.136 and/or any other relief is required, Applicant hereby petitions for any required relief including Extensions of Time and/or any other relief and authorizes the

Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-1217 (Order No. COVDP008).

Respectfully submitted,

Dated: June 7, 2005

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Attached: Appendix A (Copy of claims 1-36 involved in the subject Appeal; 9 pages)

Appendix A
Pending Claims 1-36

1. A computer-implemented method for automating communications between service providers in connection with providing a high speed network access service, comprising:

electronically receiving a request message relating to the high speed network access service from a first service provider by a second service provider of the high speed network access service via a network, the first and second service providers cooperating to provide high speed network access service to an end subscriber;

processing the request message from the first service provider automatically upon the receiving using a computer system to automatically generate a response message to the request message by the second service provider; and

electronically transmitting the response message from the second service provider to the first service provider via the network automatically upon completion of the processing,

wherein the processing of the request message by the second service provider utilizes a predefined request document tag definition and the generating of the response message by the second service provider utilizes a predefined response document tag definition.

2. The method for automating communications between service providers in connection with providing the high speed network access service of claim 1, wherein the processing of the request message determines a type with which the request message is associated, the type is selected from the group consisting of service availability, DSL service, order entry, order status, order summary, trouble ticket entry, trouble ticket status, and trouble ticket summary.

3. The method for automating communications between service providers in connection with providing the high speed network access service of claim 2, wherein the processing of the request message utilizes the predefined request document tag definition corresponding to the request message type.

4. The method for automating communications between service providers in connection with providing the high speed network access service of claim 2, wherein the generating of the response message generates the response message in conformity to the predefined response document tag definition corresponding to the response message type and associates the response message with the request message type.

5. The method for automating communications between service providers in connection with providing the high speed network access service of claim 2, wherein the processing of the request message includes determining from the request message values for request parameters corresponding to the message type.

6. The method for automating communications between service providers in connection with providing the high speed network access service of claim 5, wherein the generating of the response message includes associating the response message with said message type and incorporating into the response message values for response parameters corresponding to said message type.

7. The method for automating communications between service providers in connection with providing the high speed network access service of claim 1, wherein, where the request message includes at least one sub-request, the generating of the response message includes generating the response message with at least one sub-response, each sub-response corresponding to one of at least one sub-request.

8. The method for automating communications between service providers in connection with providing the high speed network access service of claim 7, wherein the generating of the response message includes associating each sub-response with a identification code associated with the corresponding sub-request.

9. The method for automating communications between service providers in connection with providing the high speed network access service of claim 1, wherein the processing of the request message includes decoding the request message from extensible markup language (XML) and the generating of the response message includes encoding the response messages in XML.

10. The method for automating communications between service providers in connection with providing the high speed network access service of claim 1, wherein the request message is associated with a request message identification code and the response message is associated with the request message identification code.

11. The method for automating communications between service providers in connection with providing the high speed network access service of claim 1, wherein each predefined response and request document tag definition is associated with a message document header tag definition, corresponding one of a request and response message header tag definition and a message body tag definition.

12. The method for automating communications between service providers in connection with providing the high speed network access service of claim 11, wherein the corresponding one of a request and response message header tag definition is associated with a predefined sender tag definition and a recipient tag definition.

13. The method for automating communications between service providers in connection with providing the high speed network access service of claim 11, wherein the message body tag definition is associated with a type tag definition having a corresponding one of a sub-request and a sub-response tag definition.

14. A computer-implemented system for automating communications between service providers in connection with providing a high speed network access service, comprising:

a request processor adapted to electronically receive and process a request message relating to the high speed network access service received from a first service provider by a second service provider of the high speed network access service via a network, the first and second service providers cooperating to provide high speed network access service to an end subscriber;

a response generator of the second service provider adapted to automatically generate the response message in response to the request message from the first service provider; and

an operations support system of the second service provider adapted to process data from the request message from the first service provider to facilitate the response generator in generating the response message for transmission to the first service provider via the network automatically upon generating of the response message,

wherein the request processor of the second service provider processes the request message according to a predefined request document tag definition and the response generator of the second service provider generates the response message in conformity with a predefined response document tag definition.

15. The system for automating communications between service providers in connection with providing the high speed network access service of claim 14, wherein the request process determines a type associated with the request message, the type being selected from the group consisting of service availability, DSL service, order entry, order status, order summary, trouble ticket entry, trouble ticket status, and trouble ticket summary.

16. The system for automating communications between service providers in connection with providing the high speed network access service of claim 15, wherein the request processor utilizes the predefined request document tag definition corresponding to the request message type in processing the request message.

17. The system for automating communications between service providers in connection with providing the high speed network access service of claim 15, wherein the response generator generates the response message in conformity with the predefined response document tag definition corresponding to the response message type and associates the response message with the request message type.

18. The system for automating communications between service providers in connection with providing the high speed network access service of claim 15, wherein the request processor is adapted to determine from the request message values for request parameters corresponding to the message type.

19. The system for automating communications between service providers in connection with providing the high speed network access service of claim 18, wherein the response generator is adapted to associate the response message with said message type and to incorporate into the response message values for response parameters corresponding to said message type.

20. The system for automating communications between service providers in connection with providing the high speed network access service of claim 14, wherein the request processor is adapted to decode the request message from extensible markup language (XML) and the response generator is adapted to encode the response message in XML.

21. The system for automating communications between service providers in connection with providing the high speed network access service of claim 14, wherein each predefined response and request document tag definition is associated with a message document header tag definition, corresponding one of a request and response message header tag definition and a message body tag definition.

22. The system for automating communications between service providers in connection with providing the high speed network access service of claim 21, wherein the corresponding one of a request and response message header tag definition is associated with a predefined sender tag definition and a recipient tag definition.

23. The system for automating communications between service providers in connection with providing the high speed network access service of claim 21, wherein the message body tag definition is associated with a type tag definition having a corresponding one of a sub-request and a sub-response tag definition.

24. A computer program product that automates communications between service providers in connection with providing a high speed network access service, comprising

computer code that receives a request message relating to the high speed network access service from a first service provider by a second service provider of the high speed network access service via a network, the first and second service providers cooperating to provide high speed network access service to an end subscriber;

computer code of the second service provider that processes the request message from the first service provider automatically upon the receiving using a computer system to automatically generate a response message to the request message by the second service provider, wherein the computer code of the second service provider that processes the request message utilizes a predefined request document tag definition and the computer code of the second service provider that generates the response message utilizes a predefined response document tag definition;

computer code that transmits the response message from the second service provider to the first service provider via the network automatically upon completion of the processing; and

a computer readable medium that stores the computer codes.

25. The computer program product that automates communications between service providers in connection with providing a high speed network access service of claim 24, wherein the computer code that processes the request message determines a type with which the request message is associated, the type is selected from the group consisting of service availability, DSL service, order entry, order status, order summary, trouble ticket entry, trouble ticket status, and trouble ticket summary.

26. The computer program product that automates communications between service providers in connection with providing a high speed network access service of claim 25, wherein the computer code that processes the request message utilizes the predefined request document tag definition corresponding to the request message type.

27. The computer program product that automates communications between service providers in connection with providing a high speed network access service of claim 25, wherein the computer code that generates the response message generates the response message in conformity to the predefined response document tag definition corresponding to the response message type and associates the response message with the request message type.

28. The computer program product that automates communications between service providers in connection with providing a high speed network access service of claim 25, wherein the computer code that processes the request message includes determining from the request message values for request parameters corresponding to the message type.

29. The computer program product that automates communications between service providers in connection with providing a high speed network access service of claim 28, wherein the computer code that generates the response message includes associating the response message with said message type and incorporating into the response message values for response parameters corresponding to said message type.

30. The computer program product that automates communications between service providers in connection with providing a high speed network access service of claim 24, wherein the computer code that generates the response message encodes the response message in extensible markup language (XML).

31. The computer program product that automates communications between service providers in connection with providing a high speed network access service of claim 24, wherein each predefined response and request document tag definition is associated with a message document header tag definition, corresponding one of a request and response message header tag definition and a message body tag definition.

32. The computer program product that automates communications between service providers in connection with providing a high speed network access service of claim 31, wherein the corresponding one of a request and response message header tag definition is associated with a predefined sender tag definition and a recipient tag definition.

33. The computer program product that automates communications between service providers in connection with providing a high speed network access service of claim 31, wherein the message body tag definition is associated with a type tag definition having a corresponding one of a sub-request and a sub-response tag definition.

34. The method for automating communications between service providers in connection with providing the high speed network access service of claim 1, wherein the first service provider of the high speed network access service is an Internet service provider (ISP) and the second service provider of the high speed network access service is selected from the group consisting of a digital subscriber line (DSL) service provider, an Integrated Services Digital Network (ISDN) service provider, a cable high speed network access service provider, and a wireless satellite high speed network access provider.

35. The system for automating communications between service providers in connection with providing the high speed network access service of claim 14, wherein the

first service provider of the high speed network access service is an Internet service provider (ISP) and the second service provider of the high speed network access service is selected from the group consisting of a digital subscriber line (DSL) service provider, an Integrated Services Digital Network (ISDN) service provider, a cable high speed network access service provider, and a wireless satellite high speed network access provider.

36. The computer program product that automates communications between service providers in connection with providing a high speed network access service of claim 31, wherein the first service provider of the high speed network access service is an Internet service provider (ISP) and the second service provider of the high speed network access service is selected from the group consisting of a digital subscriber line (DSL) service provider, an Integrated Services Digital Network (ISDN) service provider, a cable high speed network access service provider, and a wireless satellite high speed network access provider.